

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2356.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The SPEAKER pro tempore. Pursuant to House Resolution 344, the House now resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2356.

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#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, I yield myself such time as I may consume.

This is going to be a long debate today, and tonight, and I do believe that is good. The legislation we are debating is extremely important. The last time this Congress passed significant campaign finance reform legislation was 27 years ago. We could be living with the consequences of any bill we pass today for decades to come. That is important, I think, for the challengers across this Nation, the men and women who want to aspire to be able to speak on the floor of this House. So what we are doing is important for our energetic give and take of public debate.

Today, as in any debate, a lot of claims are going to be made about the various bills and amendments. I think right at the outset, before we get under way, we ought to define our terms. We are going to hear a lot tonight about a ban—let me repeat that, a ban—on soft money. According to Webster's dictionary, to ban means to prohibit the use, performance or distribution of. In politics, we often contort language, but I would like to make it plain and clear, the bill under consideration today,

H.R. 2356, the Shays-Meehan bill, does not ban soft money under any definition or under any stretch of the imagination. I am certain that we will hear otherwise from some of our colleagues today, but the fact is anyone who tells you that this version, I believe this is the fourth version of what I call an altered state of a piece of legislation, that this version of Shays-Meehan bans soft money is simply not telling you the truth and is not being accurate.

It could be argued that previous versions of Shays-Meehan did ban soft money. H.R. 380, the bill the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) introduced last January, and the versions of Shays-Meehan approved by this House in years past, did ban soft money donations to political parties. I would argue that even those bills were not real, true soft money bans because they did nothing to restrict how unions, corporations and wealthy individuals spent soft money. Those bills did ban soft money donations, but not soft money expenditures. So whether or not earlier Shays-Meehan bills really banned soft money could be debated.

What cannot be debated, however, is the simple fact that this newest version of Shays-Meehan fails to ban soft money, again under any definition. It cannot even be seriously argued that H.R. 2356 bans soft money. Anyone who claims that it does is either deliberately misrepresenting the facts, or they just do not know what is in this new piece of legislation.

The difference between H.R. 2356 and the previous versions of Shays-Meehan is that H.R. 2356 now permits political parties to accept soft money donations. Even if this bill were to be adopted today, unions, corporations and wealthy individuals could still donate massive amounts of soft money to State and local political parties. These donations are permitted up to \$10,000 and can be made to every State and local party in the country. With over 3,000 counties in the United States, this means that a corporation or a union, or Enron, because we have talked about that a lot in the last couple of weeks for emotional purposes, could donate up to \$30 million to one political party provided they spread it around the country. If somebody wanted to give to both parties, they could give up to \$60 million, provided they spread it around the country.

We are going to hear a lot of talk about Enron today and how the Enron debacle demonstrates the need for campaign finance reform. There are two things to say about that. Even if this bill had been law, it would not have prevented the Enron collapse. Unfortunately, I have had constituents that have called me up and said, is it true what I am hearing on TV, what is being insinuated, that people's money could have been saved from the terrible things that the corporate top of the ladder did to people? This bill, if passed, would not have changed that.

Let us not fool the American public to make them think that people could get their money back. All the money that Enron gave could still have been given even if this bill were law.

Some will say, well, they could not have given it to the national parties. Ask yourself, does it really matter? If a company wants to influence the political process by spreading a lot of money around, does it really matter if the money is given to a national party instead of a State party? Are we to believe that if a company was giving millions of dollars in contributions to a political party, its influence would somehow be diminished because it spread the money around to a lot of State parties instead of simply giving it to a national party? I do not think so. All this bill does is spread soft money around the country. It redirects it. It does not ban it.

This bill also imposes a number of serious restrictions of political speech. It prevents an organization from spending its own money promoting a message its members believe in if they happen to mention a candidate in the 60 days before an election. That is not America. That is not free speech. Whether it is the left, the middle or the right, people should not be gagged in this country, and they are gagged under this bill.

Supporters of the bill will argue that they do not restrict free speech at all, they simply require that it be funded with hard dollars. Let there be no mistake, this bill, the Shays-Meehan bill, burdens free expression and free speech. To claim that it is not a burden is to simply misrepresent the facts of this bill.

It has been said that to give people a right to unlimited freedom of expression while limiting the amount they can spend promoting their message is like telling someone they can drive as far as they want, but they can only spend a certain amount on gasoline to get them there. Well, telling people they can speak as much as they want so long as they use hard money is like telling people they can drive as far as they want, but they can only buy one gallon of gas at a time. Even worse, it is like telling them they cannot use their own money to buy the gas, but can only use money that they are able to raise from people they run into along the way. Could it really be argued that such burdens did not restrict travel? I do not think so. But proponents of the Shays-Meehan legislation want to put similar burdens on free speech and then claim they have not restricted free speech. It is obviously simply not accurate.

This is going to be a long debate today. I look forward to it. As we proceed, I hope Members will listen to the substance of the provisions being put forward. Shays-Meehan has retained the brand name, but the quality of the product has totally changed. Today we are going to have a good opportunity to debate and consider what this legislation would actually do. I look forward to that debate.